

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF BOSTON PLASTERERS AND CEMENT
MASONS LOCAL 534 ANNUITY FUND, PENSION FUND
AND HEALTH & WELFARE FUND,
Plaintiffs,

v.

C.A. No. 11-11827-RBC

D & M CONCRETE FLOOR COMPANY,
Defendant,

OPPOSITION TO MOTION FOR ENTRY OF JUDGMENT

Defendant D & M Concrete Floor Company hereby submits this Opposition to Plaintiffs' Motion for Entry of Judgment. As reasons for opposing this Motion, Defendant states the following:

1. Plaintiff's Motion inaccurately represents that the copy of the Complaint and Summons was served upon the Defendant on November 21, 2011.
2. If the Summons and Complaint were actually served on Defendant on November 21, 2011, Defendant would have had until December 12, 2011 to answer the Complaint.
3. The Summons and Complaint were actually served on Defendant on October 21, 2011.
4. Defendant's counsel filed a Notice of Appearance on November 28, 2011, the date of the filing of the Motion.
5. On November 28, 2011 Defendant filed a Motion for Extension of Time for Filing Answer.

6. Defendant will file an Answer and Counterclaims upon approval by the Court of its Motion for Extension of Time for Filing Answer.

Respectfully submitted,

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Dated: November 29, 2011

CERTIFICATE OF SERVICE

I, Brian Hatch, hereby certify that I have sent this Opposition to Motion for Entry of Judgment through the ECF system November 29, 2011 to counsel for the Plaintiff Aaron D. Krakow, Esq.. electronically at their e-mail address of akrakov@krakowsouris.com and by first class mail, postage prepaid to his address of Krakow & Souris, LLC 225 Friend Street Boston, MA 02114.

/s/ Brian T. Hatch
Brian T. Hatch